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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,249	09/08/2005	Takuzo Nakamura	SHH-008	1462
32628 7590 03/28/2008 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848				
EXAMINER				
VESRA, DINESH K				
ART UNIT		PAPER NUMBER		
4136				
MAIL DATE		DELIVERY MODE		
03/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/537,249

**Applicant(s)**

NAKAMURA ET AL.

**Examiner**

Dinesh Vesra

**Art Unit**

4136

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5, 7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 2, 5, 7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1 June 2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to the amendments received on 1 June 2005 in which the applicant has deleted claims 3, 4, 6, and 8. The remaining claims to be examined are claims 1, 2, 5, 7, and 9.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

3. **Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.** See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:

-Page 5, line 3 recites "side surface view show an embodiment" which should be changed to "side surface view **showing** an embodiment"

-Page 5, lines 6, 8, and 22 and Page 6, line 1 recite the word "**intention**" which appears to be a misspelling of the word "**invention**."

-Page 5, lines 16 and 26 and Page 6, line 3 recite the word "**prospective**" which should be changed to the word "**perspective**."

Appropriate correction is required.

### ***Claim Objections***

5. Claims 1 and 9 are objected to because of the following informalities: Line 2 of Claim 1 reads "has a space formed between the spring members is bridged over" which appears to be a grammatical error. For examination purposes it will be assumed that the claim is meant to read "has a space formed between the spring members **and** is bridged over". Line 3 of Claim 9 recites the word "protrude" which should read "protrudes". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 9 recites the limitation "the first spring member in the reinforcing member is formed to have a curve which protrude toward the intersecting region" in lines 2-3.

However, in Claim 2 "the first spring member" is designated as the plate spring, which is

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curved to protrude away from the intersecting region. Likewise, Claim 9 recites the limitation the "second spring member is formed to have a curve which protrudes in the direction opposite to the direction of the intersecting region" in lines 4-6. However, in Claim 2 the "second spring member" is designated as the leaf spring which protrudes toward the intersecting region. For examination purposes, it is assumed that Claim 9 is meant to designate the first spring member protruding away from the intersecting region and the second spring member protruding towards the intersecting region.

***Claim Rejections - 35 USC § 103***

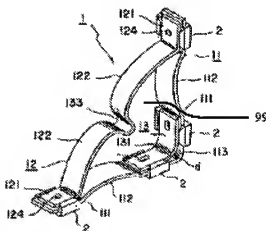


Fig. 1

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 2, 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwakawa (Japanese Patent Publication 2001-200590) in view of Okada et al. (US Patent 4,795,666).** With regards to claim 1, Iwakawa discloses a building reinforcing structure (Fig. 1) in which a reinforcing member (1) comprises a plurality of spring members (122, 112, 113, 131) and has a space formed between the spring members (99) and is bridged over (Fig. 4) and fixed (21) between one structural member (A-1) and another structural member (A-2). Iwakawa does not disclose a damper member and/or a synthetic resin foam in the space between the spring members, and a synthetic resin foam in the space enclosed by the structural members and the reinforcing member. Okada et al. discloses a reinforced structural member (Fig. 1) filled with a fiber reinforced material (12a) such as foam polyurethane (column 2, line 58). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to use the foam polyurethane in the spaces mentioned above in Iwakawa in view of the teachings of Okada et al. The motivation for doing so would be to provide extra strength for the building reinforcing structure.

Regarding claim 2, the combination of Iwakawa and Okada et al. disclose the building reinforcing structure as set forth above, wherein the reinforcing member comprises a first spring member (122 - Fig. 1 - Iwakawa) and a second spring member (131), the first spring member comprises a plate spring (122) and the second spring member is formed as a leaf spring made by overlapping two plate springs (131, 113) and joining them with a retainer (2).

With respect to claim 5, the combination of Iwakawa and Okada et al. disclose the building reinforcing member which is bridged over (Fig. 4 - Iwakawa) and fixed (21) between one structural member (A-1) and another structural member (A-2) in a building, characterized by comprising a first spring member (122) and a second spring member (131) which have a curved shape (see Fig. 1 - Iwakawa), a space being formed between these spring members (99) and a damper member and/or synthetic resin foam (12a – Fig. 1 – Okada et al.) being provided in the space between these spring members.

With regards to claim 7, the combination of Iwakawa and Okada et al. disclose the building reinforcing member as set forth above in the discussion of claim 5, wherein the first spring member comprises a plate spring (122 – Fig. 1 - Iwakawa) and the second spring member is formed as a leaf spring made by overlapping two plate springs (131, 113) and joining them with a retainer (2).

With regards to claim 9, the combination of Iwakawa and Okada et al. disclose the building reinforcing member as set forth above in the discussion of claim 5, wherein the first spring member (122- Fig. 1 – Iwakawa) in the reinforcing member is formed to have a curve which protrudes away from the intersecting region of the structural members (see Fig. 4) and the second spring member is formed to have a curve which protrudes toward the intersecting region of the structural members (Fig. 4), to form a space between both spring members (99 - Fig. 1).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 7:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. V./  
Examiner, Art Unit 4136  
/Jerry Redman/  
Primary Examiner, Art Unit 3634